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7 Asia Economic Institute,
8 Raymond Mobrez, and
9 Iliana Llaneras

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 ASIA ECONOMIC INSTITUTE, a California)
12 LLC; RAYMOND MOBREZ an individual;)
13 and ILIANA LLANERAS, an individual,)
14 Plaintiffs,)

14 vs.)

15 XCENTRIC VENTURES, LLC, an Arizona)
16 LLC, d/b/a as BADBUSINESS BUREAU)
17 and/or BADBUSINESSBUREAU.COM)
18 and/or RIP OFF REPORT and/or)
19 RIPOFFREPORT.COM; BAD BUSINESS)
20 BUREAU, LLC, organized and existing under)
21 the laws of St. Kitts/Nevis, West Indies;)
22 EDWARD MAGEDSON an individual, and)
23 DOES 1 through 100, inclusive,)

21 Defendants.)

Case No.: 2:10-cv-01360-SVW-PJW

**AFFIDAVIT OF RAYMOND MOBREZ IN
OPPOSITION TO DEFENDANTS'
SPECIAL MOTION TO STRIKE**

Hearing Date: April 19, 2010
Time: 1:30 PM
Courtroom: 6 (Hon. Stephen V. Wilson)
Complaint Filed: January 27, 2010

Asia Economic Institute et al v. Xcentric Ventures LLC et al

Doc. 11 Att. 5

1
2 I, Raymond Mobrez, declare under penalty of perjury as follows:

3 1. My name is Raymond Mobrez. I am a resident of the State of California, and am
4 over the age of 18 years. If called to testify in court or other proceeding I could and would give
5 the following testimony which is based on my own personal knowledge unless otherwise stated.

6 2. I am a principal of Asia Economic Institute ("AEI"). AEI has conducted
7 business in California for the past nine years. At the time the defamatory posts were posted on
8 Defendants' Web site, AEI operated as a free, on-line, non-governmental publication of current
9 news and events. It was not involved in sales or marketing or solicitation of any kind. At this
10 time, AEI was a small, virtually unknown operation employing approximately 10 employees
11 including myself and Iliana Llaneras. AEI was still in its early stages of development and had
12 not yet made a name for themselves in the financial industry. Any progress was thwarted by the
13 patently false and outrageous comments appearing on Defendants' websites. The posts and
14 Magedson's subsequent misconduct were so outrageous that it forced AEI out of business.

15 3. On or about February 2009, I and Ms. Llaneras conducted a search on
16 Google.com ("Google") and/or Yahoo.com ("Yahoo") using the following terms: Raymond
17 Mobrez, Mobrez, Iliana Llaneras, Llaneras, and AEI. The results were that myself, Ms.
18 Llaneras, and AEI appeared on said search engines (usually in the first 2-3 hits) as individuals
19 and businesses who had been defamed on Defendants' websites.

20 4. To date, there are six reports regarding Plaintiffs on Defendants' websites. These
21 posts are defamatory, false, and malicious and were posted by former, disgruntled employees.
22 These posts were circulated around our office and, as a result, several employees terminated their
23 employment contracts with AEI. Furthermore, we have been unable to hire any new employees.
24 As such, these false accusations have severely injured my, Ms. Llaneras's, and AEI's reputation
25 and virtually halted AEI's business. Additionally, my personal life has been erupted.

26 5. On February 15, 2009, I sent a letter to Defendants asking that they remove the
27 defamatory posts. On or about May 2009, I contacted Magedson via telephone informing him
28

1 that the posts were untrue and written by former disgruntled employees. Moreover, I offered to
2 prove the falsity of the posts. Magedson was not responsive.

3 6. Shortly thereafter, I emailed Magedson and again asked that the posts be
4 removed. Moreover, I asked to meet with Magedson to discuss the matter.¹ In an email
5 Magedson responded as follows: "I am in California... I live here now. But wh[sic.] the sense of
6 meeting. [...] we do not remove posts [...] no amount of money can change this. Even if you
7 were the pope.. (sic.) It would not make a difference. A (sic.) pope (sic.) has access to a
8 computer m (sic.) sure."

9 7. In another phone conversation between myself and Magedson, Magedson offered
10 to enroll AEI in the CAP program for a fee of at least five thousand dollars (\$5,000), plus a
11 monthly monitoring fee. Magedson sent me a lengthy email regarding the CAP.

12 8. In an email from Magedson to me, dated May 12, 2009, Magedson explained that
13 the CAP works as follows:

14 " This program changes the negative listings on search engines into a positive along
15 with all the Reports on Rip-off Report (Reports are never deleted).

16 As a condition of joining this program, the Reported business allows us to email
17 everyone who filed a complaint that the business has contacted Rip-off Report and wants
18 to make things right . This weeds out false Reports and shows your commitment to your
19 customers and is later Reported in our findings about your company [sic.]we post to
20 every Report about your business.

21 You must live up to your stated commitments through our program requirements.

22 Read about this program and how it changes all the negative into a positive - fill out
23 our Corporate Advocacy Program intake form." (See EXHIBIT C to Plaintiffs'
24 Opposition).

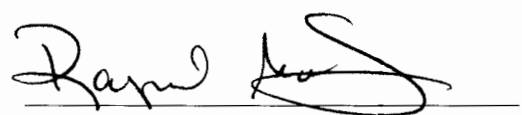
25 9. Because we could not stipulate to something we did not do, we declined to enroll in the
26 CAP.

27 ¹ In Magedson's Affidavit at ¶31, he alleges that Plaintiffs threatened him. This allegation is completely baseless. I
28 wanted to have dinner with Magedson and discuss how to have the posts removed. More troubling is the fact that in
a telephone conversation between Plaintiff's Counsel and Defense Counsel, Defense Counsel admitted that his client
lied about living in California in order to benefit of the Anti-SLAPP statute, *not* because Plaintiffs had threatened
him. Plaintiff's Counsel sent Defense Counsel a letter confirming their telephone conversation whereby Defense
Counsel admitted that his client lied about living in California in order to get the benefit of the Anti-SLAPP statute.
Plaintiffs are considering whether to pursue perjury charges against Magedson for such a blatant lie. (A copy of
Plaintiff's letter to Defense Counsel is attached hereto as EXHIBIT D to Plaintiffs' Opposition.)

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Pursuant to 28 U.S.C., Section 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED ON: March 29, 2010.



Raymond Mobrez